

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In Re:

Robert Victor Nowacki

Debtors

Chapter 13

Case Number 17-52766

Honorable Phillip J Shefferly

OBJECTIONS TO CONFIRMATION

NOW COMES Creditor, Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc., by and through its attorneys, Orlans PC, and hereby Objects to Confirmation as follows:

1. Robert Victor Nowacki and Deborah M. Nowacki executed a mortgage to Lender LTD DBA Hometown Mortgage Lending dated November 20, 2002 and recorded with the Oakland County Register of Deed in Liber 27649, on Page 276 (the "Mortgage"). The Mortgage is a first mortgage on real property owned by the Debtors known and numbered as 1841 Pinewood, Milford, MI 48381.
2. Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc. is the current holder of the Mortgage.
3. The Mortgage is materially in default.
4. The Debtors' Chapter 13 Plan proposes to pay monthly mortgage payments of \$1,920.00 and a pre-petition arrearage of \$0.00 through the Chapter 13 Trustee.
5. The Debtors' Chapter 13 Plan understates the continuing monthly mortgage payment amount, understates the pre-petition arrearage, and fails to propose a reasonable length of time to cure the pre-petition arrearage.
6. The mortgage is non-modifiable pursuant to 11 U.S.C. §1322(b)(2).
7. As of September 11, 2017, the pre-petition arrearage was approximately \$63,968.53.
8. Creditor, Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc., must receive the regular monthly mortgage payment of \$2,210.32 plus at least \$1,084.21 a

month on the pre-petition arrearage in the order for the arrearage to be cured within a reasonable length of time.

9. That Debtors' Chapter 13 Plan appears under-funded and infeasible to pay the post-petition monthly mortgage payments and cure the pre-petition arrearage within a reasonable length of time.

WHEREFORE, Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc., by and through its attorneys prays that Confirmation be denied, and the case be dismissed, or in the alternative, Creditor prays that this Chapter 13 be converted to a Chapter 7 pursuant to 11 U.S.C. §1307(c).

Respectfully Submitted,

Date: October 9, 2017

/s/ Elizabeth M. Abood-Carroll
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